

REMARKS

Entry of the foregoing amendments is respectfully requested.

Summary of Amendments

Upon entry of the foregoing amendments claims 1-20 are cancelled and claims 21-43 are added, whereby claims 21-43 will be pending, claims 21 and 38 being independent claims.

Support for the new claims can be found throughout the present specification (see, e.g., pages 1, 8, 9, 12 and 13) and the cancelled claims.

It is pointed out that the cancellation of claims 1-20 is without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute the cancelled claims in one or more continuation and/or divisional applications.

Summary of Office Action

As an initial matter, Applicants note with appreciation that the Examiner has indicated consideration of the Information Disclosure Statement filed September 14, 2005 by returning a signed copy of the Form PTO-1449 submitted therein.

Applicants further note with appreciation that the Examiner has acknowledged the claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) and the receipt of a certified copy of the priority document from the International Bureau.

Claims 9, 10 and 18-20 are withdrawn from consideration.

The abstract of the disclosure is objected to.

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Claims 1, 2, 5-8, 11-13, 16 and 17 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kaneda et al., US 2001/0046948 (hereafter “KANEDA”).

Claims 1, 2, 5, 7, 8 and 11-16 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Drucks et al., US 2002/0102289 (hereafter “DRUCKS”).

Claims 3, 14 and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over KANEDA.

Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over KANEDA and further in view of McAtee et al., US 2002/0009484 (hereafter “McATEE”).

Claims 3-6 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over DRUCKS.

Response to Office Action

Reconsideration and withdrawal of the objection and rejections of record are respectfully requested in view of the foregoing amendments and the following remarks.

Response to Objection to Abstract

The abstract of the disclosure is objected to because it is not written in one paragraph.

In response, a new, one-paragraph abstract of the disclosure is submitted herewith, thereby rendering this objection moot.

Response to Rejections of Claims under 35 U.S.C. § 102(b) and (e)

Claims 1, 2, 5-8, 11-13, 16 and 17 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by KANEDA and claims 1, 2, 5, 7, 8 and 11-16 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by DRUCKS.

Applicants respectfully disagree with the Examiner in this regard. At any rate, the rejected claims are cancelled, whereby these rejections are moot.

Regarding the claims submitted herewith, it is noted that present independent claims 21 and 38 recite, *inter alia*, that the cleansing preparation comprises at least one nonionic surfactant selected from alkyl polyglycosides. This element is also recited in (cancelled) claim 4, which has not been rejected as anticipated by either one of KANEDA and DRUCKS in the present Office Action. Accordingly, no further comments in this regard appear to be necessary.

In view of the foregoing, withdrawal of the rejections under 35 U.S.C. § 102(b)/(e) over KANEDA and DRUCKS are respectfully requested.

Response to Rejections of Claims under 35 U.S.C. § 103(a)

Claims 3, 14 and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over KANEDA, claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over KANEDA and further in view of McATEE, and claims 3-6 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over DRUCKS.

Applicants respectfully disagree with the Examiner in this regard. At any rate, the rejected claims are cancelled, whereby these rejections are moot.

Regarding the claims submitted herewith, it is noted that present independent claim 21 recites, *inter alia*, that the cleansing preparation is foaming and comprises (i) at least one anionic surfactant selected from acylamino acid surfactants, sarcosinates, sulfosuccinate citrates, monoalkylphosphates, and olefin sulfonates, and (ii) at least one nonionic surfactant selected from alkyl polyglycosides. Neither KANEDA nor DRUCKS teaches or suggests these elements, and for this reason alone, the subject matter of the claims submitted herewith is not rendered obvious.

Specifically, given the fact that the cleansing material (emulsion) of KANEDA has “an excellent cleansing effect on various makeup stains” (see, e.g., paragraphs [0001], [0009], [0010] and [0013] of KANEDA) this document fails to provide any apparent reason for one of ordinary skill in the art to provide a foaming emulsion.

Further, Applicants note that the rejection relies particularly on the composition of Example 1 of KANEDA. In this regard, it is pointed out that while this composition (which comprises less than 40 % by weight of water) comprises an anionic surfactant (aluminum dialkylphosphate) and a nonionic surfactant (polyoxyethylene sorbitan monostearate), neither of these surfactants belongs to any of the classes of surfactants which are recited in independent claim 21. In fact, none of the classes of surfactants which are recited in independent claim 21 is even mentioned in paragraph [0020] of KANEDA.

Applicants further note that with respect to (cancelled) claim 4 the Examiner relies on a combination of KANEDA and McATEE and alleges that McATEE “teaches the equivalency of alkoxyated fatty acid esters with alkyl polyglucosides as nonionic surfactants”.

Even if one were to assume, *arguendo*, that this allegation is of any merit, one of ordinary

skill in the art would understand that this alleged equivalency of alkoxylated fatty acid esters with alkyl polyglucosides applies to compositions which are suitable for the purpose disclosed in McATEE, which purpose has nothing to do with intended application of the cleansing material taught by KANEDA.

In particular, while the cleansing material of KANEDA comprises an emulsion and has “an excellent cleansing effect on various makeup stains”, the cleansing articles of McATEE are useful for cleansing the skin and hair and are used by the consumer by wetting the dry article with water and then rubbing the article against the skin or hair. The article of McATEE comprises a water insoluble substrate and a lathering surfactant releasably associated with the substrate. Preferably, the article further comprises a conditioning component (see, e.g., abstract of McATEE).

That the compositions of KANEDA and McATEE are completely unrelated is also reflected by the fact that with the exception of alkoxylated fatty acid esters (assuming, *arguendo*, that they are identical with, or at least similar to polyoxyalkylene fatty acid esters) the nonionic lathering surfactants mentioned in paragraph [0126] of McATEE are completely different from the nonionic surfactants mentioned in paragraph [0020] of KANEDA.

Applicants submit that in view of the foregoing, there is no apparent reason for one of ordinary skill in the art to replace the polyoxyalkylene fatty acid esters in a composition according to KANEDA by alkylpolyglycosides, let alone to combine an alkylpolyglycoside with an anionic surfactant which is not even mentioned in KANEDA.

Regarding DRUCKS, it is noted that this document neither teaches nor suggests employing mixtures of surfactants which belong to different classes and in particular, to combine nonionic and

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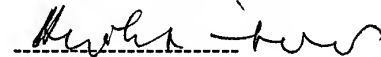
anionic surfactants. For example, none of the almost 20 exemplified compositions of DRUCKS appears to contain different classes of surfactants, let alone a combination of anionic and nonionic surfactants. Moreover, none of these compositions appears to contain an anionic surfactant, let alone an anionic surfactant that belongs to any of the classes recited in present independent claim 21. Additionally, none of these compositions comprises an alkyl polyglycoside as nonionic surfactant. For at least all of these reasons, DRUCKS is unable to render obvious the subject matter of any of the claims submitted herewith.

Applicants submit that for at least all of the foregoing reasons, the rejections under 35 U.S.C. § 103(a) over any of KANEDA, DRUCKS and McATEE are unwarranted, wherefore withdrawal thereof is respectfully requested as well.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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January 2, 2009
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